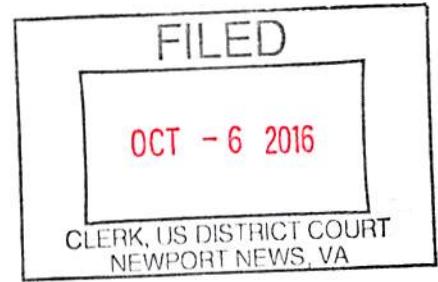


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Newport News Division)



RUBEN A. FUENTES, JR.,
Plaintiff,
v.
PARAGON ASSET RECOVERY
SERVICES, INC.,
Defendant.

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CIVIL ACTION NO. A:16CV153

NOTICE OF AND PETITION FOR REMOVAL

In accordance with 28 U.S.C. §§ 1441 and 1331, Defendant Paragon Asset Recovery Services Inc., by and through its undersigned counsel, hereby gives notice of and petitions for the removal of this action from the General District Court for the City of Newport News, Virginia to the United States District Court for the Eastern District of Virginia, Newport News Division. In support of this Notice of and Petition for Removal, Defendant Paragon Asset Recovery Services Inc. avers as follows:

1. Paragon Asset Recovery Services Inc. has been named as the Defendant in a suit filed on September 9, 2016, in the General District Court for the City of Newport News, Virginia, Civil Action No. GV16008530-00 (“the State Court Action”). The Defendant was served with the Warrant in Debt through its registered agent on September 13, 2016. A copy of the Warrant in Debt as received by the Defendant’s registered agent is attached as Exhibit 1.

2. The Warrant of Debt sets forth a civil action in which the Plaintiff alleges violations of the Telephone Consumer Protection Act and section 809(A) of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

3. The Defendant has not filed a responsive pleading to the State Court Action.

4. The removal of this action to this Court is timely under 28 U.S.C. § 1446(b) because this Notice of and Petition for Removal is filed within thirty (30) days after the date the Defendant first received the Warrant in Debt in this Action.

5. The Eastern District of Virginia, Newport News Division, is the United States District Court and Division embracing the place where the State Court Action is pending. Therefore, the Action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and Local Civil Rule 3(b)(1).

6. The Plaintiff alleges claims under the Telephone Consumer Protection Act and the Fair Debt Collection Practices Act. Therefore, federal question jurisdiction exists over the Plaintiff's claims under 28 U.S.C. § 1331 because the resolution of the Plaintiff's claims will require adjudication of disputed questions of federal law.

7. Because the Plaintiff's claims exclusively arise under the laws of the United States, removal of this entire cause of action is appropriate under 28 U.S.C. § 1441(a) – (c).

8. Defendant Paragon Asset Recovery Services Inc.'s appearance is for the sole purpose of removing the State Court Action. By removing this action, Defendant Paragon Asset Recovery Services Inc. does not waive any of its rights, including defenses to service of process and jurisdiction.

9. Upon filing this Notice of and Petition for Removal with this Court, Defendant Paragon Asset Recovery Services Inc. will promptly file a copy of the same with the Clerk of Court for the General District Court for the City of Newport News, Virginia. Defendant Paragon Asset Recovery Services Inc. will also promptly serve written notice of this Notice of and Petition for Removal on Plaintiff's counsel in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Paragon Asset Recovery Services Inc. respectfully requests that this action be removed from the General District Court for the City of Newport News, Virginia to the United States District Court for the Eastern District of Virginia, Newport News Division.

Respectfully submitted, October 5, 2016.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 2016, the foregoing **NOTICE OF AND PETITION FOR REMOVAL** was served on all counsel of record via first class mail addressed as follows:

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